

## **TRANSPORTATION AND ECONOMIC DEVELOPMENT**

### **CS/CS/SB 862 — Transportation Financing**

by Fiscal Policy Committee; Transportation Committee; and Senator Clary

This committee substitute provides for funding of numerous transportation programs to accelerate high priority transportation projects. The committee substitute creates the Transportation Outreach Program, the County Incentive Grant Program, and the Small County Outreach Program.

#### ***Mobility 2000***

The committee substitute recaptures over a 10 year period, approximately \$1.8 billion from the General Revenue Fund and returns the funds to the State Transportation Trust Fund to fund the Mobility 2000 Initiative. Any excess revenues will fund the Transportation Outreach Program.

#### ***Transportation Outreach Program***

The committee substitute provides for the Transportation Outreach Program to fund transportation projects (approximately \$900 million over 10 years) of a high priority which enhance Florida's economic competitiveness, preserve the existing infrastructure, and improve travel choices to ensure mobility. Projects for this program will be prioritized by an advisory council made up of representatives of private and public interests directly involved in transportation or tourism, and the final project selection will be made by the Legislature.

#### ***The County Incentive Grant Program and the Small County Outreach Program***

The committee substitute transfers \$125 million annually, in FY 2000-2001 through FY 2002-2003 from the General Revenue Fund to the State Transportation Trust Fund to fund the County Incentive Grant Program which provides grants to counties for projects on the State Highway System or projects which relieve congestion on the State Highway System. Twenty percent of such funds will be used to fund the Small County Outreach Program which provides matching state funds for county road projects. The programs will be funded from recurring revenue starting in FY 2005-2006.

### ***The State-funded Infrastructure Bank***

The committee substitute transfers \$50 million annually, in FY 2000-2001 through FY 2002-2003 from the General Revenue Fund to the State Transportation Trust Fund to capitalize the State-funded Infrastructure Bank. The State-funded Infrastructure Bank provides loans to help fund transportation projects that otherwise may be delayed or not built. The loans will be repaid from revenues generated by the projects, such as toll roads or other pledged resources. The repayments are then loaned to fund new transportation projects.

### ***GARVEE Bonds***

The committee substitute authorizes the Florida Department of Transportation (FDOT) to sell up to \$325 million in bonds on future federal revenue to be used for projects on the Florida Intrastate Highway System.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 36-0; House 117-0*

## **TRANSPORTATION ADMINISTRATION AND HIGHWAY SAFETY**

### **CS/CS/HB 1911 — Operation of Vehicles and Vessels**

by Finance & Taxation Committee; Transportation Committee; and Rep. Kyle  
(CS/SB 780 by Transportation Committee and Senator Webster)

This committee substitute implements numerous changes to provisions of law relating to the operation of motor vehicles and vessels. Substantive issues included in the committee substitute relate to driving under the influence, motor vehicle equipment, motor vehicle title and registration requirements, driver's license requirements, and motor vehicle licenses.

### ***Driving Under the Influence***

The committee substitute amends s. 316.193, F.S., to provide an individual convicted of a second or subsequent offense of driving while intoxicated or driving under the influence shall be subject to the impoundment or immobilization of all vehicles owned by the repeat intoxicated driver. The court is authorized to dismiss the order of impoundment or immobilization of one vehicle if the court finds the family of the owner has no other private or public means of transportation. Similarly, the court is authorized to dismiss the order of impoundment for vehicles registered in the owner's name, but used solely for a business and operated by employees. Current Florida law provides for the impoundment

or immobilization of the vehicle that was operated by the individual or any one vehicle registered in the individual's name. This revision brings state law into compliance with federal mandates and avoids the loss of federal highway construction funds.

The committee substitute amends s. 316.1936, F.S., to prohibit the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public roadway or the right-of-way of a public roadway. The committee substitute exempts passengers in certain vehicles (buses and motor homes). Current Florida law provides that it is unlawful to possess an open container of an alcoholic beverage in a motor vehicle while the vehicle is being operated. This provision would extend the prohibition to vehicles that are stopped or parked. This revision would bring state law into compliance with federal mandates and avoid the loss of federal highway construction funds.

### ***Motor Vehicle Equipment and Operation***

The committee substitute amends s. 316.211, F.S., to provide persons over the age of 21 may operate a motorcycle without protective headgear provided he or she is covered by an insurance policy providing for \$10,000 in medical benefits.

The committee substitute amends s. 316.212, F.S., to provide a golf cart may not be operated on a public road by a person under the age of 14. Similarly, s. 316.2125, F.S., is amended to require golf cart operators to adhere to night-time golf cart safety requirements within retirement communities.

The committee substitute amends several sections of law relating to lights on vehicles. Section 316.220, F.S., is amended to provide any object that alters the headlamps light color may not be placed over a headlamp. Similarly, s. 316.221, F.S., is amended to provide any object that alters visibility from 1,000 feet may not be placed over a taillamp. The committee substitute also provides any object that alters the stop lamps visibility from 300 feet to the rear in normal sunlight may not be placed over a stop lamp.

Section 316.228, F.S., is amended to provide that certain vehicles transporting logs, long pulpwood, poles, or posts which extend more than four feet from the rear of the vehicle must have an amber strobe-type lamp on the projecting load. The amber strobe lamp must be visible to other drivers from the rear and sides of the vehicle transporting the projecting load.

The committee substitute creates s. 316.29545, F.S., providing for a medical exemption certificate to be issued to any person afflicted with Lupus or a similar medical condition which requires a limited amount of exposure to light. This certificate allows the afflicted person to have sunscreening material on his or her motor vehicle which would normally

be in violation of the statutes relating to suncreening material requirements. The committee substitute also exempts any law enforcement vehicle used for undercover or canine operations from the statutory sunscreening requirements.

### ***Titles and Registration***

The committee substitute amends s. 319.001, F.S., to revise the definition of “new motor vehicle” to address instances of “failed sale”. This occurs when a motor vehicle is sold subject to a contingency, and the contingency is not met. The committee substitute provides the vehicle may be sold as new provided a written disclosure is made to the purchaser that the vehicle was delivered to a prior customer.

Section 319.27, F.S., is amended to provide a lien on a motor vehicle for child support payment is not enforceable against subsequent purchasers unless certain conditions are met.

The committee substitute amends s. 319.30, F.S., to revise several provisions relating to certificates of destruction. The committee substitute provides that a certificate of destruction is reassignable a maximum of two times before destruction is required.

The committee substitute amends ss. 320.031 and 320.04, F.S., to provide certain mail and service charges associated with motor vehicle registration transactions processed through the Department of Highway Safety and Motor Vehicles are to be deposited into the Highway Safety Operating Trust rather than the general revenue fund.

The committee substitute amends s. 320.0605, F.S., to authorize a temporary receipt printed on self-initiated electronic renewal of a registration via the Internet as sufficient proof of motor vehicle registration. This modification is added in order to process registration renewal transactions via the Internet.

Section 320.27, F.S., is amended to specify those documents which will be recognized as reasonable indicia of ownership for purposes of motor vehicle sales transactions. This same section is amended to provide for temporary supplemental licenses for off-premises sales by motor vehicle dealers at no charge to the dealer.

### ***Driver’s License***

Section 322.051, F.S., is amended to provide for an existing driver’s license or identification record to be taken as satisfactory proof of identity to the Department of Highway Safety and Motor Vehicles. This section revises legislative language and provides identification card applicants with established driver license records are not be required to resubmit primary documents for issuance of an identification card.

The committee substitute amends s. 322.08, F.S., to provide for an existing driver's license or identification record to be taken as satisfactory proof of identity to the Department of Highway Safety and Motor Vehicles. This section is further amended to provide driver license applicants with two additional options of making voluntary contributions. The driver license application form is to include an election for a \$2 voluntary contribution per applicant for distribution to the Hearing Research Institute, Incorporated, and a \$1 voluntary contribution per applicant for distribution to the Juvenile Diabetes Foundation International.

The committee substitute amends s. 322.095, F.S., to provide no governmental entity or court may provide information concerning traffic law and substance abuse courses, other than to direct inquiries to the local telephone directory heading of driving instruction or the driver's license applicant reference guide. The Department of Highway Safety and Motor Vehicles is directed to prepare a driver's license reference guide for distribution.

Section 322.292, F.S., is amended to delete a provision which requires a DUI program to be either a governmental program or a not-for-profit corporation.

#### ***Miscellaneous Provisions***

The committee substitute amends s. 213.053, F.S., to allow the Department of Revenue to share names, addresses, and federal employer identification numbers, or similar identifiers with the Department of Highway Safety and Motor Vehicles for use in the conduct of its official duties.

Section 316.0775, F.S., is amended to provide any person who alters, defaces, injures, knocks down, or removes any official traffic control device or railroad sign is subject to a criminal violation (criminal mischief). Violation of this provision is currently a noncriminal infraction.

The committee substitute requires the Department of Highway Safety and Motor Vehicles to approve and regulate driver improvement courses that use technology (such as video) as the delivery method. In determining whether to approve technology courses, the Department is to only consider those courses which are submitted by a person, business, or entity having statewide delivery capability.

The committee substitute provides for the creation of the Used Motor Vehicle Industry Task Force. The task force is charged with examining and evaluating the used motor vehicle industry, including the licensing of dealers and the enforcement of dealer regulations. The 12 member task force shall be appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The committee substitute deletes a number of statutory provisions relating to the Department of Highway and Motor Vehicles' retention of certain documents. In addition, the committee substitute authorizes the Department to maintain electronic records.

If approved by the Governor, these provisions take effect October 1, 2000.

*Vote: Senate 35-1; House 113-4*

### **CS/SB 772 — Transportation**

by Transportation Committee and Senator Webster

This committee substitute implements numerous changes to provisions of law relating to programs administered by the Florida Department of Transportation (FDOT). Substantive issues included in the committee substitute relate to rules authorization, the administration of the FDOT, the transportation planning process, seaports, motor vehicle emissions testing, and other transportation issues.

#### ***Rules Authorization***

This committee substitute provides statutory authorization for existing FDOT and Transportation Disadvantaged Commission rules or portions thereof which FDOT or the Transportation Disadvantaged Commission deems necessary but which currently exceed the FDOT or commission's rulemaking authority.

The committee substitute provides specific legislative authority for the FDOT to promulgate rules: to delegate authority beyond the assistant secretaries; to establish prepaid escrow accounts; to approve aggregate sources; to provide for prompt settlement or legal defense of claims and disqualification for failure to settle claims; to provide for toll facility operations; and to provide for relocation assistance.

The committee substitute authorizes the Transportation Disadvantaged Commission to develop, by rule, standards for community transportation coordinators and any transportation operator or coordination contractor from whom service is purchased or arranged by the community transportation coordinator, including minimum liability insurance requirements for all transportation services purchased.

Further, the committee substitute provides specific legislative authority for the Transportation Disadvantaged Commission to promulgate rules providing an agency which is a member of the Transportation Disadvantaged Commission may not serve as the community transportation coordinator.

***Administration of the Florida Department of Transportation***

The committee substitute authorizes the Transportation Commission to recommend to the Governor and the Legislature organizational improvements to streamline and optimize FDOT efficiency. The committee substitute further makes the Office of Motor Carrier Compliance a division and moves responsibilities of that Office from the Assistant Secretary for District Operations to the Assistant Secretary for Transportation Policy.

The committee substitute authorizes the FDOT to purchase promotional items for use in educating the public and promoting safety awareness. The committee substitute provides that, in determining the number of lanes for any project, FDOT must evaluate all alternatives and seek to achieve the highest degree of efficient mobility for corridor users. The committee substitute further deletes the requirement that FDOT must retain a portion of the amount due a contractor for work the contractor has completed, until completion and final acceptance of the project by FDOT, and authorizes other forms of retainage.

The committee substitute: allows FDOT to incur expenses for paid advertising, marketing and promotion of toll facilities and electronic toll collection products and services; exempts high-occupancy toll lanes and express lanes from the provision that no tolls may be charged for use of an interstate highway where tolls were not charged as of July 1, 1997; provides federal funds may pass through FDOT to Tri-County Rail for bonds; and deletes the 14 consecutive-day notice requirement to clarify when public hearings are required and what information will be presented.

***Prevailing Principles for Transportation Planning***

The committee substitute provides prevailing principles which will guide state and regional transportation planning. The prevailing principles are: (1) preserving the existing transportation infrastructure; (2) enhancing Florida's economic competitiveness; and (3) improving travel choices to ensure mobility.

The committee substitute requires the FDOT to integrate the prevailing principles in their mission, goals, and objectives. The amendment also requires Metropolitan Planning Organizations to consider the prevailing principles in their planning process.

***Seaports***

The committee substitute authorizes small ports, with operating revenues of \$5 million or less, to use seaport funding for construction and rehabilitation of their port facilities as defined in s. 315.02, F.S.

The committee substitute clarifies FDOT has final audit authority for Florida Seaport Transportation and Economic Development (FSTED) projects funded under s. 320.20, F.S., and provides project veto authority and a vote for FDOT, the Department of Community Affairs, and the Office of Tourism, Transportation and Economic Development on the FSTED council.

The committee substitute further: limits FSTED bonds to 30 years; limits the use of revenues allocated to FSTED to debt service; requires prior FDOT approval to spend such revenues; provides for competitive bidding for professional services.

### ***Local and Regional Issues***

The committee substitute increases the board of the Central Florida Regional Transportation Authority (CFRTA) to eleven voting members, by increasing the Governor appointments from two to five. The member appointed by FDOT (FDOT District 5 Secretary) is made a non-voting member. The committee substitute allows CFRTA to expand its service area to include any county that is contiguous to the existing service area, and to allow CFRTA to set the terms and conditions of such a partnership with an adjoining county. Finally, the committee substitute prohibits CFRTA from hiring an executive director until the new appointments to the board are filled.

The committee substitute clarifies the roles of the Metropolitan Planning Organizations (MPO) and local school boards in coordinating transportation planning. The committee substitute further requires MPOs in the Tampa Bay area to continue the Chairmen's Coordinating Committee. The committee has the authority, by a majority vote, to object to a project which effects other MPOs represented on the committee or a project that is not included in an MPO plan. Disputed projects are subject to a dispute resolution process.

The committee substitute provides counties may utilize specified local option gas tax funds to pave existing graded roads only when undertaken in part to relieve or mitigate existing or potential adverse environmental impacts.

### ***Motor Vehicle Emissions Testing***

The committee substitute eliminates the Motor Vehicle Inspection Program and directs the Department of Environmental Protection to revise the State Implementation Plan to backout the eliminated program's emissions credits by July 1, 2000.

***Other Issues***

The committee substitute provides that diesel fuel purchased in Florida and consumed by a qualified motor coach during idle time for the purpose of running climate control systems and maintaining electrical systems is subject to a refund.

The committee substitute provides the State Fire Marshall has the sole and exclusive authority to promulgate standards, limits, and regulations regarding the use of explosives in conjunction with construction materials mining activities.

If approved by the Governor, these provisions take effect July 1, 2000.

*Vote: Senate 38-1; House 120-0*

**CS/SB 1530 & 1456 — Motor Vehicles**

by Transportation Committee and Senators Geller and Klein

This committee substitute, also cited as the “Justin Marks Teen Safety Driving Act”, amends s. 316.614, F.S., to provide it is unlawful to operate a motor vehicle unless each passenger of the vehicle under 18 years of age (currently under 16 years of age) is restrained by a safety belt or by a child restraint device. In addition, the committee substitute provides it is unlawful for any person 18 years of age or older (currently 16 years of age or older) to be a passenger in the front seat unless such person is restrained by a safety belt when the vehicle is in motion.

The committee substitute amends s. 322.05, F.S., to increase the time period a person who is at least 16 years of age but less than 18 years of age, must maintain a learner’s license from 6 to 12 months prior to applying for a driver’s license, provided the applicant has no traffic convictions during this 12 month time period. However, an applicant who has one traffic conviction, but who has elected to attend a traffic driving school for which adjudication must be withheld under s. 318.14, F.S., would remain eligible for a driver’s license.

The Department of Highway Safety and Motor Vehicles is prohibited from issuing a driver’s license to an applicant under 18 years of age unless the applicant provides certification that he or she was accompanied by specific individuals for at least 50 hours of behind-the-wheel experience with at least 10 hours of night-time driving. The specified individuals include a licensed parent, guardian or other responsible adult, or another licensed driver 21 years of age or older. The committee substitute provides this certification is inadmissible for any purpose in any civil proceeding.

Finally, the committee substitute contains a grandfather provision which provides a person who is at least 16 years of age, but under 18 years of age who meets the

requirements of s. 322.091, F.S., and has been issued a valid learner's license prior to October 1, 2000, and has held such license for at least 6 months, may be issued a driver's license.

If approved by the Governor, these provisions take effect October 1, 2000.

*Vote: Senate 40-0; House 116-1*